



Confidentiality and Disclosure Policies

A. Protecting the identities of participants

Clause 4.10.1 of ISO/IEC 17043:2010 states that: “The identity of participants in a proficiency testing scheme shall be confidential and known only to persons involved in the operation of the proficiency testing scheme, unless the participant waives confidentiality.”

ACE-PT Inc. takes elaborate precautions to protect the identities of participant results.

However, all of ACE-PT Inc.’s PT Schemes are “round-robins” - i.e., schemes where a single PT Test Artifact is circulated from one participant to the next. Due to the size and weight of each of ACE-PT Inc.’s PT Test Artifacts, it is economically unfeasible to require that each participant must return the PT Test Artifact that it has used to ACE-PT Inc. merely so that it can be re-labeled to conceal the identity of the previous participant and then shipped onward to the next participant. *[Note: if each participant were required to ship the PT Test Artifact that he/she used back to ACE-PT Inc. rather than directly to the next participant, the time lost to shipping delays would double (which would halve the numbers of participants that could be serviced with that PT Test Artifact in a given year), and the shipping costs would at least double as well].*

Consequently, ACE-PT Inc.’s “**default confidentiality policy**” is to deem that each participant in each of its PT Schemes has, **as a condition of participation**, waived confidentiality in regards to the fact that the next participant can determine their identity from an examination of the package shipping label and/or from an e-mail (sent by ACE-PT Inc.) stating the Tracking Number, ship date, etc. of the package.

However, it is possible that a prospective participant may strongly object to ACE-PT Inc.’s “default confidentiality policy”. In such cases, the prospective participant shall have the right to obtain **complete confidentiality** by electing to be charged under ACE-PT Inc. “**alternate confidentiality policy**” for the two-way shipping costs (i.e., to his/her Test laboratory from ACE-PT Inc. and then from his/her Test laboratory back to ACE-PT Inc.) and for one “additional week” of time (to pay for the revenue that would otherwise be lost due to the extra shipping time). Prospective participants can elect to employ the “**alternate confidentiality policy**” when they pay on-line for their participation in an ACE-PT inc. PT Scheme.

B. Protecting the identities of participant results

ACE-PT Inc. takes elaborate internal and external precautions to protect the identities of participant results.

Internally, only the ACE-PT Inc. PT Program Coordinator and the ACIL Operations Manager have a general “need to know” the identities of the participating Test Laboratories in each “Round” of each PT Scheme operated by ACE-PT. Inc.

Under normal circumstances, the ACE-PT Inc. PT Program Technical Manager and the ACE-PT Inc. Senior Statistician do NOT “need to know” the identities of the participating Test Laboratories. In order to prevent the identities of the participating Test Laboratories from becoming known by all of those who do not need to know, the ACE-PT Inc. PT Program Coordinator renders each “*acceptable*” PT Data Set anonymous **prior to** its transmission to the ACE-PT Inc. PT Program Technical Manager for analysis.

The procedure by which ACE-PT Inc. PT Data Sets are to be made anonymous is as follows:

1. After confirming that PT Data Set(s) contained in the Spreadsheet(s) from a participating Test Laboratory facility are “acceptable”, the ACE-PT Inc. PT Program Coordinator *randomly* assigns that participating Test Laboratory a single letter (for example “E”). [*Note: this random Letter assignment will be unique to each “round” of each PT Scheme; the random Letter assignments thus do not disclose the order in which the participating Test Laboratories performed their PT Tests*]. To this randomly assigned Letter, he shall add to it a lineal number for the “test operator”. Thus, if the participating Test Laboratory that was randomly designated as Lab “E” submitted three sets of PT Data (i.e., three Spreadsheets, one for each “Test Operator”), for a given “Round” in a given PT Scheme, those sets of Spreadsheets would be given the two character “Lab Code IDs” E1, E2, and E3, respectively. Finally, he shall add a “Round Number”. For example, if this Test Laboratory were participating in the fifth “round” of a given PT Scheme, its full Lab Code IDs would become 5E1, 5E2, and 5E3.
2. The ACE-PT Inc. PT Program Coordinator will then remove all of the identifying Collateral Data (i.e., facility name, facility address, name of the point-of-contact at the facility, e-mail address and telephone number of the point-of-contact at the facility, “Test Operator” name) from each of the Spreadsheets, except for the three character “Lab Code IDs”.
3. The “anonymous” Spreadsheets are then be e-mailed to the ACE-PT Inc. PT Program Technical Manager for analysis. This ensures that the Analysis Team (consisting of the ACE-PT Inc. PT Program Technical Manager and the Senior Statistician) will NOT know (and cannot infer) which “Lab Code ID” or “Lab Code IDs” are associated with which participating Test Laboratories.

External confidentiality is ensured by the fact that when each *PT Analysis Report* is published, the “Lab Code ID” or “Lab Code IDs” described above will be the **only** identifiers used for the information provided by the participating Test Laboratories and for the reporting of the results.

After each *PT Analysis Report* has been published, each participant will receive a separate, unique e-mail (sent by the ACE-PT Inc. PT Program Coordinator) will identify **only** the “Lab Code” or “Lab Codes” that are applicable to their specific results.

These procedures ensure that the ACE-PT Inc. PT Program Coordinator and the managers at each of the participating Test Laboratories are the only persons able to identify the sources of the PT Data Sets received by ACE-PT Inc.

C. Treatment of Collateral Data and PT Measurement Data

Clause 4.10.2 of ISO/IEC 17043:2010 states the following:

All information supplied by a participant to the proficiency testing provider shall be treated as confidential.

NOTE: Participants can elect to waive confidentiality within the proficiency testing scheme for the purposes of discussion and mutual assistance, e.g. to improve performance. Confidentiality can also be waived by the participant for regulatory or recognition purposes. In most instances, the proficiency testing results can be provided to the relevant authority by the participants themselves.

Clause 4.10.2 of ISO/IEC 17043:2010 requires that ACE-PT Inc. is bound to keep confidential all the information supplied by each of the participants. Notwithstanding this, it is a practical necessity that each *PT Analysis Report* must contain both collateral data (e.g., information on the types of antennas and detection systems used to make PT measurements) and the actual measurements themselves.

Therefore, ACE-PT Inc. deems that each participant in each of its PT Schemes has, ***as a condition of participation***, waived confidentiality as to the publication of both collateral data and actual measurements themselves. Note that all such information is identified only by Lab Code IDs, and as such, the identities of the participants and the participant's results remain confidential.

D. Disclosures of Results to Third Parties

Clause 4.10.3 of ISO/IEC 17043:2010 states that:

“When an interested party requires the proficiency testing results to be directly provided by the proficiency testing provider, the participants shall be made aware of the arrangement in advance of participation.”

Clause 4.10.4 of ISO/IEC 17043:2010 states that:

“In exceptional circumstances, when a regulatory authority requires proficiency testing results to be directly provided to the authority by the proficiency testing provider, the affected participants shall be notified of this action in writing.”

At present, there are no “interested parties” (e.g., ABs that accredit EMC and/or Wireless/RF Test Laboratories to ISO/IEC 17025:2005) that ***require*** PT results to be provided ***directly*** to them. Also, there are currently no US (or Canadian) federal, state/provincial, or local government regulatory authorities that ***require*** PT results to be provided directly to them.

Furthermore, it is considered to be extremely unlikely that any governmental or non-governmental “interested parties” will ever impose such a requirement on ACE-PT Inc.'s Test Laboratory customer base. Consequently, Clauses 4.10.3 and 4.10.4 of ISO/IEC 17043:2010 are not applicable to any of ACE-PT Inc.'s PT Schemes.

However, there may be instances when a Test laboratory may wish to ***voluntarily*** disclose their PT results to one of their customers or to a US (or other) government agency. In such cases, traceable proof that ties a Lab Code(s) in a *PT Analysis Report* to a specific Test Laboratory is almost always required. Consequently, the ACE-PT Inc. PT Program Coordinator will accept and process requests from participating Test Laboratories to disclose to some specific third-party or parties the Lab Code ID(s) that uniquely identify their results in a *PT Analysis Report*.

It is ACE-PT Inc.'s Policy that third-party disclosure requests will be honored ONLY if they are made in writing. As an anti-fraud measure, the written requests must be addressed to ACE-PT Inc., must be made on the corporation's letterhead, must clearly identify the organization name, address and point-of-contact name to whom the disclosure is to be made, and, must be signed in blue ink. Only signed originals sent by US Mail/UPS/FedEx or full-color pdf e-mailed copies of the signed originals of such requests will be honored. *[Note: as a partial alternative, ACE-PT Inc. may choose to implement an online third-party disclosure authorization form that will be accessible only during the "e-commerce" payment process].* If a valid written request for a third party disclosure is received, then the ACE-PT Inc. PT Program Coordinator shall comply with the request within 3 business days